IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

WP(C).No. 30934 of 2007(G)

PETITIONER:

THE MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
THIRUVANANTHAPURAM, REPRESENTED BY DEPUTY LAW OFFICER SRI.RANJITH JOSEPH.

BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

RESPONDENTS:

SRI.SOBHA S.PILLAI,
PULIYAMMAKKAL HOUSE, KUDAYATHOOR P.O.,
THODUPUZHA-685 590.

BY ADV.SRI.N.ANANTHARAJAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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W.P.(c).No.30934 OF 2007

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Dated this the 18th day of October, 2007

JUDGMENT

Husband of the respondent who retired on 30/06/2005 had to be treated for brain tumor and he passed away after treatment at Amritha hospital. Respondent has approached the Lok Ayuktha and obtained Ext.P3 order. The matter in issue is settled in favour of the petitioner Corporation by virtue of the decision in W.P.(C)No.19040/2007. I heard learned counsel for the respondent also.

Petitioner is entitled to the declaration in terms of prayer No.2. Accordingly, I grant prayer No.2. I feel that the respondent has made out a case for deviation from the principle of seniority. Accordingly I quash Ext.P3 and there will be a direction to the petitioner to pay to the respondent the amount due as DCRG to the late husband of the respondent or Commuted Value of Pension whichever is higher within a period of one month from the date of receipt of a copy of this judgment.

(K.M.JOSEPH, JUDGE)

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